

**Town of Amherst**  
**Zoning Board of Appeals - Special Permit**

*DECISION*

**Applicant:** John S. Lane & Son, Inc.  
730 East Mountain Road, Westfield, MA 01085

**Date application filed with the Town Clerk:** December 11, 2007

**Nature of request:** To renew Special Permit ZBA FY2003-00013 to continue quarrying operations, under Sections 3.373, 3.374 and 10.33 of the Zoning Bylaw

**Address:** 1550 West Street (Map 28A, Parcel 10; Map 28D, Parcel 12; Map 28B, Parcels 9, 10, 12, 15, 16, 17, 21 & 22; R-N Zoning District)

**Legal notice:** Published on December 26, 2007 and January 2, 2008 in the Daily Hampshire Gazette and sent to abutters on December 26, 2007

**Board members:** Thomas Simpson, Barbara Ford and Albert Woodhull

**Submissions:** The petitioner submitted a Management Plan and a contoured map of the land drawn by Raymond Boldy and dated 12/28/89 and updated 11/29/07, showing location of the quarry operations, the plant area, the temporary storage area and the location of the hiking trails through their property.

The Zoning Assistant submitted a memo dated 1/4/08 that reviewed the zoning requirements for a quarry operation, plus the previous Special Permits for the business: ZBA FY70-20, FY75-25, FY82-25, FY87-0063, FY92-0063, FY98-00005 and FY2003-00013. Another Special Permit, ZBA FY2004-00026, authorized the removal of a non-usable garage and the construction of a heavy equipment storage garage in approximately the same location as the old garage.

**Site Visit:** January 6, 2008

The Board met with operator George Ladis and owner Jonathan Lane at the entrance, which is directly south of the Holyoke Notch Visitor's Center. They observed the following:

- The buildings on site: the entrance gate house, the new garage, the old plant that is slated to be demolished and the current plant area;
- The active quarry area, most of which is located in Granby;
- The stockpiles of stone and gravel;
- The stone barrier and steep descent to the Metacomet Menadnock Trail that is on the Lane property but is more than one hundred feet below and north of the active plant area;
- The current elevation of the site, approximately 535 feet, compared to what it used to be before the quarry operation, approximately 700-800 feet, the same height as Bear Mountain across Route 116.

**Public Hearing:** January 8, 2008

Jonathan Lane spoke to the application at the hearing. Also giving testimony were engineer Raymond Boldy

and operator George Ladis.

The applicants stated the following:

- They are asking for a renewal of their Special Permit; Section 3.373.8 of the Zoning Bylaw requires that the permit be renewed every five years;
- Nothing has changed in the operation of the business in the last five years, and nothing will change in the next five years;
- All but a small amount of the excavation for the next five years will occur in Granby;
- The plant and storage areas are in Amherst;
- The old plant area, located along Rout 116 in Amherst, will be removed and will be replaced with a rock or earthen berm to shield the remainder of the plant operation from the road.

The Board had several questions about what constitutes excavating “below grade” of Route 116, since the grade level was part of the conditions for several of the past Special Permits. Section 3.373 of the Zoning Bylaw states that: 1) No excavation shall be permitted below the grade of a road bounding the property at any point nearer than 300 feet of such road, and 2) No excavation below the natural grade of any property boundary shall be permitted nearer than 50 feet of such boundary. Mr. Simpson noted that the excavation is the same bedrock that was being excavated five and 10 years ago and is below the road level, but the excavation is more than 300 feet from the road at all points in Amherst. Ms. Ford asked where the measurements of grade level occur, whether it’s at every point along the road. Mr. Simpson clarified that elevation of “grade level” varies at each point in the road, and as long as the excavation occurs at least 300 feet from the road, the actual grade level can change significantly.

Ms. Ford noted that the area behind the scale house is close to the original elevation of the hill before the quarry operation started, but the berm that will be created when the old plant area is removed will not be set at the original elevation at that location.

Mr. Woodhull had a series of questions concerning the actual blasting area for the next five years. He wondered about the possibility that the area labeled on the map as “area of proposed operations”, located primarily in Granby, might change. He asked if the Board should be informed of the change and a new map submitted to the Board for approval. The petitioner stated that the blasting areas have been moving from north to south into Granby on their property, so it’s unlikely that the “area of proposed operations” will expand back into Amherst within the next five years. The area in Amherst is currently used for the plant, the “overburden” storage facility (stockpiling of different grades of rock and gravel), the scale house, main access road and the new garage. The “overburden” material will be used for the berms along Route 116 and to reclaim the land no longer being quarried.

Ms. Ford asked if the entrance from Route 116 ever changed. The answer was that the entrance from the main road does not change, but that the interior roads do change, depending on where the quarry activities are located.

Mr. Woodhull asked about the hiking trails that cross the property – the Metacomet Menadnock Trail and the Robert Frost trail. The petitioner said that they have not touched the trail area, which is north from any operations, and is located down a steep slope, more than 100 feet below any storage or plant activity. There are also wetlands along the trails in certain areas, which would require wetlands determinations to be obtained from the Conservation Commission.

The Board agreed that the separation and protection of the trails from the quarry activity was satisfactory. The steep slope, the large rock semi-fence at the edge of the slope and the signs all separate the hiking trails

from the quarry operation.

Mr. Woodhull repeated his concern about the possible change of the work areas during the next five years. He said that what goes into the record is what the public wants to have in the official files. Mr. Simpson said that the petitioner can quarry anywhere within the conditions of the permit. After much discussion, it was decided to draw a line around the quarry areas for the next five years, and all activities can occur within that line. The area includes the plant area, the storage areas, the power line easement, the tree line to the north and east, the current active quarry area and the proposed blasting area in Amherst.

Mr. Woodhull made a motion to close the hearing. Ms. Ford seconded the motion, and the vote was unanimous to close the hearing.

**Public Meeting:**

The Board agreed that the operations of the quarry remain safe and sound, and that the Special Permit should be renewed. To that end, the Board approved and signed:

1. The submitted site plan with the lines drawn by the Board around the active quarry areas.
2. The submitted Management Plan.

After a review of the conditions of the Fy2003-00013 Special Permit, they agreed that all conditions of the previous permit should remain, with slight modification to Conditions #7 and 9 that addressed the active quarry area and the roadways.

**Findings:**

The Board finds under Section 10.33, Renewal, that the Special Permit Granting Authority "shall have the authority to . . .renew its approval of a Special Permit upon written application of the owner. . .provided however, that such action is consistent with the purposes and intent of this Bylaw, and a public hearing has been held." The Board finds that written application was filed and a public hearing has been held to review this renewal request. The Board finds that renewing this permit is compatible with Article 1, to promote the health, safety, convenience and general welfare of the inhabitants of the Town. The owner of the gravel pit will continue to follow the safety and warning patterns which have been in use for the past 15 years. There has been no change in the process of removing the gravel since the last permit was granted in 1997. No members of the public spoke against the renewal. The gravel pit does not present an inconvenience to any residential abutters. Granting a permit for five years insures a review of the operation after five years, which provides adequate protection for the community.

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 and 10.381 – The proposal is suitably located in the neighborhood and is compatible with existing uses because the location is remote, and there are no other uses other than hiking trails, which are well protected and at a distance.

10.382 and 10.385 – The proposal would not constitute a nuisance and reasonably protects the adjoining premises against detrimental or offensive uses on the site because signs and other precautions are taken to protect the public against blasting or other dangerous operations of the business.

10.383 and 10.387 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians and the proposal provides convenient and safe vehicular and pedestrian movement within the site and in relation to adjacent streets because all operations are at least 300 feet from Route 116 and there is only one entrance to the operation, which is gated.

10.384 – Adequate and appropriate facilities are provided for the proper operation of the use

because the quarry operation has been in existence for over 40 years, and all safety precautions appear to be met.

10.386 – The proposal ensures that it is in conformance with the Parking and Sign regulations of the town since there is ample room for visitor and employee parking on this large site. The signs that are present are for safety reasons.

10.391 – The proposal protects unique or important natural, historic or scenic features because the hiking trails and wetlands are to the north of the quarry area and will remain undisturbed.

10.392 – The proposal provides adequate landscaping, including the screening of adjacent uses; the company always has complied with the Zoning Bylaw that requires a buffer zone between operations and Route 116. In addition, berms along the main road have screened the business from the road and a condition of previous permits requires that excavated areas be brought to a finish grade and seeded.

10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw because it protects the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst.

#### **Public Meeting – Zoning Board Decision**

Mr. Simpson made a motion to APPROVE the renewal of J.S. Lane's Special Permit, with conditions.

Ms. Ford seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to renew Special Permit ZBA FY2003-00013 to continue quarrying operations, under Sections 3.373, 3.374 and 10.33 of the Zoning Bylaw on the premises at 1550 West Street (Map 28A, Parcel 10; Map 28D, Parcel 12; Map 28B, Parcels 9,10, 12, 15, 16, 17, 21 & 22; R-N Zoning District) as requested in the application filed by John S. Lane & Son, Inc., with conditions.

\_\_\_\_\_  
THOMAS SIMPSON

\_\_\_\_\_  
BARBARA FORD

\_\_\_\_\_  
ALBERT WOODHULL

FILED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2008 at \_\_\_\_\_,  
in the office of the Amherst Town Clerk \_\_\_\_\_.

TWENTY-DAY APPEAL period expires, \_\_\_\_\_ 2008.  
NOTICE OF DECISION mailed this \_\_\_\_\_ day of \_\_\_\_\_, 2008  
to the attached list of addresses by \_\_\_\_\_, for the Board.

NOTICE OF PERMIT or Variance filed this \_\_\_\_\_ day of \_\_\_\_\_, 2008,  
in the Hampshire County Registry of Deeds.

**Town of Amherst**  
**Zoning Board of Appeals**

*SPECIAL PERMIT*

The Amherst Zoning Board of Appeals hereby grants a Special Permit John S. Lane & Son, Inc. to renew Special Permit ZBA FY2003-00013 to continue quarrying operations, under Sections 3.373, 3.374 and 10.33 of the Zoning Bylaw on the premises at 1550 West Street (Map 28A, Parcel 10; Map 28D, Parcel 12; Map 28B, Parcels 9, 10, 12, 15, 16, 17, 21 & 22; R-N Zoning District), subject to the following conditions:

1. Quarrying shall be of the open-face type that does not create pits or quarry holes, and the operations shall not lower the quarry floor below the level of the Notch where Route 116 crosses the Holyoke Range.
2. Suitable precautions shall be taken according to best industry practices to protect the public against injury arising from blasting and any other aspect of the quarry and rock-crushing operations.
3. Specific precautions shall be taken to warn hikers and the administration of the Notch Visitors Center before blasting activity takes place. In addition to the normal precautions of sounding a horn and posting observers at strategic locations, the authorities at the quarry shall inform the Visitors Center of each planned blasting activity one (1) hour before the blasting takes place.
4. Land surrounding the quarry shall be left undisturbed and free of debris from the excavation process.
5. Sub-sections 1, 2, 3, and 4 of Section 3.373 of the Amherst Zoning By-law shall be adhered to:
  - 1) No excavation shall be permitted below the grade of a road bounding the property at any point nearer than 300 feet of such road.
  - 2) No excavation below the natural grade of any property boundary shall be permitted nearer than fifty (50) feet of such boundary.
  - 3) No slope created by the removal operation shall be finished at a grade in excess of the natural angle of repose of the material.
  - 4) All excavated areas shall, upon completion of the operation, be covered with not less than four (4) inches of loam or compost, brought to the finish grade and seeded in a satisfactory manner.
6. Signs shall be posted around the periphery of the quarry at 400 foot intervals: on the west they shall be located along the access road from the quarry entrance to its intersection with the Metacomet Menadnock Trail, and on the north they shall be located along the Metacomet Menadnock Trail as far as its intersection with the high tension wires. These signs shall be a minimum one foot square and shall read: "Quarry, Blasting, Falling Rock".
7. Quarrying shall be contained in the area designated by the Board on the site plan drawn by Raymond Boldy dated December 28, 1989 and updated November 29, 2007, and approved by the Board at a public meeting on January 10, 2008. The quarry operations are marked on the plan as plant area, temporary overburden storage facility, active quarry area and area of proposed operations.
8. Any aspect of the quarry operation to be conducted in the wetlands of the north area of the property, so defined in the Conservation Commission transmittal dated June 17, 1992, shall require a Determination to be issued by the Conservation Commission and placed on file in this office.
9. Any new paved roadways leading from Route 116 onto the quarry property must be approved by the Zoning Board of Appeals at a business meeting prior to the installation of such roadway.
10. This permit expires five (5) years from the date of its filing.

---

THOMAS SIMPSON, Chair, Amherst Zoning Board of Appeals

---

DATE